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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,489	01/20/2004	Daniel C. Griffin	MS1-1804US	4377
22801 7590 11/13/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER WEST, THOMAS C				
ART UNIT		PAPER NUMBER		
3621				
NOTIFICATION DATE		DELIVERY MODE		
11/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/761,489

Applicant(s)

GRIFFIN ET AL.

Examiner

THOMAS WEST

Art Unit

3621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-9, 12, 15, 17, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 12, 15, 17, 19, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 3-31-09, 6-29-09

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2009 has been entered.
2. Claims 1, 9, 12, 15, 17, 19, 21-24 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed on March 31, 2009 and June 29, 2009 have been considered. Initialed copies of Forms 1449 are enclosed herewith.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9, 12, 15, 17, 19, 21-24 are rejected under U.S.C. 103(a) as being unpatentable over Hamann et al., U.S. Patent Application No. 2002/0026578

("Hamann"), in view of Dancs, U.S. Patent No. 6,108,789 (Dancs), in view of Skomora, U.S. Patent Application No. 20050076198.

Claims 1, 9, 17, 21, 23:

Hamann, as shown, discloses

determining if a smartcard is operatively available, said smartcard having smartcard memory (see at least paragraphs 36, 46)

identifying, reading (verification of digital signature, checking availability of public root key), and storing a root certificate (see at least paragraphs 5, 6, 31, 33, 36).

reading at least one root certificate from said smartcard memory (see paragraph 39)

storing said at least one root certificate in a computing device having computer memory operatively coupled to said smartcard (see paragraph 32, user's client system)

wherein the storing comprises copying said at least one root certificate from the smartcard to a certificate store maintained in said computer memory (see paragraph 46)

authentication by the smartcard (see paragraphs 30-41, 46)

Hamann discloses the limitations as shown above. Hamann does not directly disclose the following limitation, but Dancs teaches:

requiring entry of a password (see at least col. 7, lines 23-40)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hamann to include the password of Dancs since this allows for access control of the smartcard through a PIN or password, to prevent fraudulent use.

Hamann/Dancs discloses the limitations as shown above including a root certificate. Hamann/Dancs does not directly disclose the following limitation, but Skomora teaches:

paragraph 39).

determining when said smartcard is no longer operatively available to the computing device; (see paragraph 114)

erasing said root certificate from said computing device when said smartcard is no longer operatively available (see paragraph 114).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hamann/Dancs to include the password of Skomora since this allows for the disabling of trust related processes on a device when the smart card is removed.

Claims 12, 19, 22, 24:

Hamann, as shown, discloses authenticating information (see at least paragraphs 40, 41).

Claim 15:

Hamann discloses the limitations as shown above. Hamann does not directly disclose the following limitation, but Dancs teaches:

determining when an account associated with said smartcard is not active
(see col. 2, lines 22-32)

no longer storing said root certificate in said device when said account is not active (see col.12, lines 24-30)

said account is associated with a user and determining when said account is not active includes determining is said user currently logged on (see col. 9, lines 33-49)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hamann to include the account activity, deletion of root certificate, and logon of Dancs since this allows for further access control of the smartcard through deletion of the certificate for an inactive account to prevent fraudulent use.

Response to Arguments

6. Applicant's arguments with respect to the claims 1, 9, 12, 15, 17, 19, 21-24 have been considered but are moot in view of the new grounds of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on Tuesday and Wednesday 7:30am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621